



A C L U - T N

A N N U A L R E P O R T

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# Letter From Our Leadership

Dear Friends,

2014 was an exciting and challenging year, bringing with it both celebrations and disappointments. This report highlights our work and reminds us that we must continue to remain vigilant.

Across the country, we celebrate the affirmation of marriage equality beginning with ACLU's historic victory in the *Windsor* case, which struck down portions of the Defense of Marriage Act. In fact, the U.S. Supreme Court will soon hear freedom-to-marry cases from Tennessee and the other three states in the Sixth Circuit—Ohio, Kentucky and Michigan. ACLU is co-counsel in the Kentucky and Ohio cases, and we filed amicus briefs in the Tennessee and Michigan cases.

In Tennessee, over 400 students engaged in ACLU-TN's youth programs, participating in our student rights' conferences and internships. Even with a polarized legislature, we successfully lobbied for laws protecting Tennesseans' right to privacy and promoting tuition equity, and we defeated anti-LGBT initiatives. We also secured Governor Haslam's veto of "ag-gag" legislation, protecting the free speech of Tennessee's journalists and animal rights activists.

Despite these victories, we still face many challenges. The passage of Amendment 1, which removed the right to privacy for women seeking abortions from our state constitution, requires us to be even more vigilant, mobilizing to protect against anticipated assaults on our reproductive freedom. In addition, we confronted rising attacks on other freedoms, including increased restrictions on access to the ballot box; government secrecy about execution drugs and protocol; censorship of students seeking safe schools; backlash against LGBT equality; bigotry toward immigrants and refugees; and numerous attempts to deny religious freedom to public school students.

With the national ACLU and affiliates across the country, we are part of a nationwide movement to defend and advance freedom and fairness. We leverage a range of strategies, including advocacy, public education, legislative lobbying and litigation, as we pursue our work.

But we also know that we are not in this fight alone. Our work is fueled by donors like you, who share our commitment and embrace the principles of freedom and fairness. This report is as much yours as it is ours.

Together we will create a society where justice, liberty and equality prevail. Thank you for joining with us to realize this vision.

With much gratitude,



Hedy Weinberg  
Executive Director



Susan L. Kay  
Board President



"I believe creating a safe school environment is important for all students," said Central Magnet School social studies teacher Allen Nichols, explaining why he agreed to hang a "safe space" poster in his classroom at the request of the student Gay Transgendered Straight Alliance.

The poster identified his classroom as a space where all students could feel safe from bullying and harassment, regardless of sexual orientation or gender identity. But the Rutherford County Board of Education had the poster removed, claiming that its content was of an inappropriate sexual nature simply because it contained the words "lesbian, gay, bisexual and transgender."

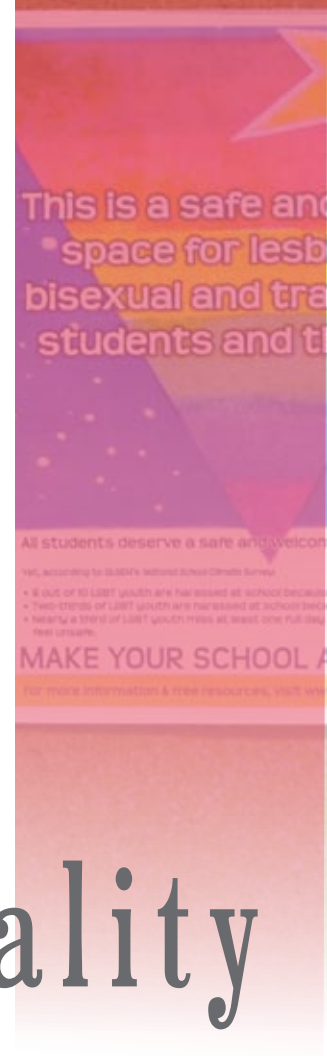
Nichols contacted ACLU-TN, and we sent a letter to the school board demanding that it protect the First Amendment rights of students and teachers and reinstate the posters. Ultimately the board realized that they could not discriminate against speech regarding LGBT students, and agreed that all posters would be hung in the hallway.

The students at Central Magnet, like all LGBT Tennesseans, have a constitutional right to privacy and equal protection and treatment under the law. ACLU-TN has long defended that right, from the classroom to the courtroom to the Capitol.


We successfully lobbied to ensure that several discriminatory bills never passed, including measures that would have allowed businesses to refuse service to LGBT individuals and student counselors to discriminate against LGBT clients.

We also lobbied in support of the "Student Dignity" bill, which would have strengthened Tennessee's existing anti-bullying law by identifying common characteristics that all-too-often become the target of school bullying, including sexual orientation and gender identity and expression. While the bill did not pass, ACLU will continue to advocate for safety and equality in schools.

# LGBT Equality







David Duren-Sanner, a Clarksville honor student, was suspended and sent to alternative school this year because a random search at his school turned up a fishing knife wedged in the seat of his car. The car belonged to his father, a commercial fisherman, and the boy had no idea the knife was there. But, his grandmother says, the school told her they had to “follow format (no) matter what, even if the kid is innocent and the circumstances were not of his making.”

ACLU-TN is committed to eliminating zero tolerance policies like the one used to punish David. “Zero tolerance” policies impose severe, predetermined punishments for violations of school rules, violating due process and taking away educators’ ability to weigh individual circumstances. Such policies and practices push schoolchildren into the “school-to-prison pipeline,” moving them out of classrooms and into the juvenile and criminal justice systems.

We drafted and advocated for legislation that encourages schools to consider a range of individual factors prior to suspension, expulsion or transfer to an alternative school, rather than relying on zero-tolerance policies. Zero-tolerance practices have failed to make schools safer and denied many young people—particularly youth of color and youth with disabilities—the opportunity to learn for relatively minor offenses. One study found that **“95 percent of out-of-school suspensions were for nonviolent, minor disruptions such as tardiness or disrespect.”**<sup>1</sup> While the measure did not pass, ACLU-TN continues to build support for this legislative initiative.

ACLU-TN also tackled the school-to-prison pipeline in the courtroom and the classroom. We collaborated with Knoxville attorneys to challenge a practice in the Knox County Juvenile Courts under which truant youth were punished as harshly as those who have committed crimes. And at our students’ rights conferences in Memphis and Nashville, we engaged students in workshops on the school-to-prison pipeline, juvenile justice and their rights when interacting with law enforcement, empowering them to identify and challenge unfair practices in their schools and communities.

Dismantling the school-to-prison pipeline is one of ACLU-TN’s primary strategies in our work to reduce mass incarceration. In fact, ACLU-TN is joining with our national office in the most ambitious effort to end mass incarceration in U.S. history—with a goal of cutting the number of people behind bars nationwide—more than 2.2 million—in half.

# School-to-Prison Pipeline

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<sup>1</sup> U.S. Department of Education, Guiding Principles: A Resource Guide for Improving School Climate and Discipline, January 2014.



On the night of  
October 20, 2010,

Angel Escobar and Jorge Sarmiento were in their beds in their apartment in the Clairmont complex in Nashville. Several roommates and friends were in other rooms. The doors and windows were all shut and locked. Suddenly there was a loud banging at the door and voices shouting “Police!” and “Policia!” When no one answered, Immigration and Customs Enforcement (ICE) agents tried to force the door open. Scared, occupants hid. The agents began hitting objects against the bedroom windows, trying to break in. Without a search warrant and without consent, the ICE agents eventually knocked in the front door and shattered a window, shouting racial slurs and storming into the bedrooms, holding guns to some people’s heads. When asked if they had a warrant, one agent reportedly said, “We don’t need a warrant, we’re ICE.”

The Fourth Amendment strictly prohibits warrantless intrusions into private homes and the Constitution’s protections apply to both citizens and non-citizens alike. In the absence of a judicially authorized warrant, there must be voluntary and knowing consent; ICE officers forcing themselves into someone’s home does not constitute consent.


ACLU and ACLU-TN continue to advance a precedent-setting lawsuit in federal court on behalf of fifteen residents of the apartment complex who were subjected to this large-scale, warrantless raid by ICE agents and Metro Nashville police officers. The case is ongoing and we are currently in the process of pursuing a settlement.

This year we also promoted fair treatment of immigrants at the legislature, working with coalition partners to pass a law that grants in-state college tuition rates to all students who are U.S. citizens, regardless of their parents’ immigration status. In 2015, we will continue to pursue tuition equity, advocating for legislation that will ensure that all Tennessee high school students, regardless of citizenship status, can receive in-state tuition at public universities.

# Fair Treatment of Immigrants







As the revelations of ACLU client Edward Snowden laid bare, the National Security Agency (NSA) has been collecting vast amounts of data on everyday Americans—from our phone records to the contents of our emails, texts, video chats, photographs and more—all without a warrant and in secret.

ACLU is aggressively challenging the NSA's massive collection of Americans' phone records. In 2008 we had filed a lawsuit challenging the federal government's so-called "warrantless wiretapping program," on behalf of a broad coalition of attorneys and human rights, labor, legal and media organizations whose work required them to engage in sensitive and sometimes privileged communications with individuals outside the United States. But in February 2013, the Supreme Court dismissed our lawsuit on the grounds that the plaintiffs could not prove that they had been monitored—in legal parlance, that they lacked standing.

Snowden was watching. The Supreme Court's decision in our lawsuit was one of the things that triggered his decision to go public. And when ACLU first spoke with Snowden after he blew the whistle, one of his first questions to us was, "Do you have standing now?"

Indeed we did. The very first Snowden disclosure published revealed the existence of a Foreign Intelligence Surveillance Court order requiring Verizon to hand over, "on an ongoing daily basis," information on all of the calls of all of its customers—including ACLU. Within days, we again filed suit. Our new lawsuit will likely be decided by the Supreme Court, perhaps as early as next year.

The fight to ensure that civil liberties are enhanced—not compromised—by new advances in technology is unfolding at the state level as well. In Tennessee, we successfully lobbied in support of several pieces of legislation to protect privacy, including bills to:

- Require a warrant to obtain location information from an electronic device, such as a cell phone;
- Prohibit law enforcement from searching cell phone data without a warrant;
- Cap the length of time data collected from automatic license plate readers can be stored; and
- Limit the use of drones for surveillance.

ACLU-TN worked hard to achieve these reforms, partnering with lawmakers from both sides of the aisle to protect Tennesseans from unchecked government surveillance.



# Government Surveillance

# Reproductive Justice

In November 2014, we lost our battle to defeat Amendment 1 and our state constitution was amended to include language that says that “nothing in [the] Constitution secures or protects a right to abortion.” This dangerous language now opens the door for politicians to interfere with a woman’s private reproductive healthcare decisions.

Despite Amendment 1’s passage, we are proud of our “Vote No on 1” campaign and what we accomplished. Working with coalition partners throughout the election season, we achieved our goal of engaging thousands of voters statewide about the importance of access to safe, legal abortions without government interference. We had many important conversations, clearing up misinformation and explaining that the amendment was not just about abortion, but privacy rights, religious freedom, and government intrusion into a woman’s personal medical decisions.

ACLU-TN also built the Tennessee Reproductive Justice Network (TRJN)—a group of clergy who support Tennesseans’ access to comprehensive reproductive health care, including abortion services for all women and families. Members come from throughout the state and span the religious and denominational spectrum.

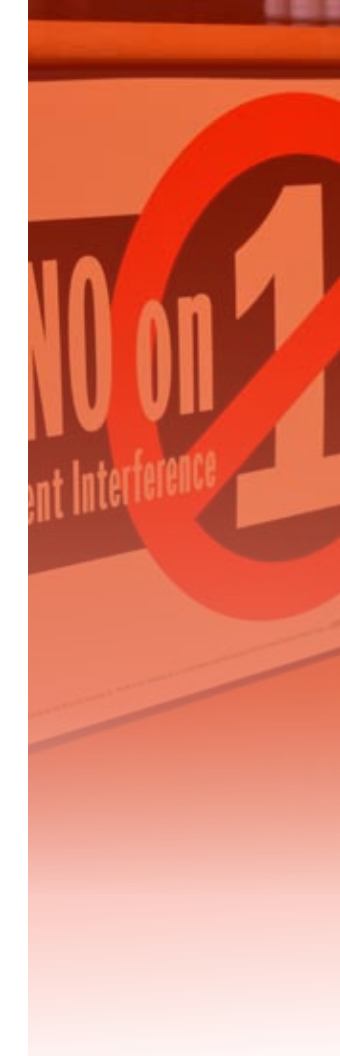
TRJN members voiced their support for reproductive freedom and their ethical, religious, and public health concerns about Amendment 1 in newspapers across the state, including *The Tennessean*, *The Commercial Appeal*, the *Knoxville News-Sentinel* and the *Chattanooga Times Free Press*.

Emerging from the campaign, we have a dynamic grassroots network ready to mobilize and hold legislators accountable. Our goal is to ensure that any legislation filed safeguards women’s health care and does not interfere with doctor-patient relationships or restrict access to services.

Over the past five years, politicians nationwide have passed more than 200 abortion restrictions and they show no signs of letting up. With the passage of Amendment 1, Tennessee politicians began filing bills to restrict abortion before the 2015 legislative session even officially convened.

We will maintain a constant presence at the legislature and will continue to aggressively lobby against politicians’ interference in private medical decisions.

Be assured that ACLU-TN will not let up in our defense of reproductive rights in Tennessee.





Free speech is vital to a healthy democracy, and ACLU-TN intervened numerous times in 2014 to protect Tennesseans' First Amendment rights.

In a victory for political speech, we prevailed in a multi-year lawsuit, *Occupy Nashville et. al. v. Haslam et. al.* Occupy Nashville protestors had gathered for a couple of weeks at Nashville's Legislative Plaza to peacefully protest when state leaders met in secret and revised the rules controlling the plaza, implementing a curfew and requiring fees and \$1,000,000 in liability insurance prior to assembly activity. When the state subsequently arrested the demonstrators under the new rules, ACLU-TN swiftly filed a lawsuit. **Underscoring Tennesseans' right to free speech, a federal judge ruled that arresting the protestors unconstitutionally violated their First Amendment rights.** Our win was one of the few successful cases across the country on behalf of Occupy protestors.

ACLU-TN also filed an amicus in *League of Women Voters v. McPeak*, challenging state regulations that limited the speech of any person assisting with enrollment in a health plan offered through an Affordable Care Act exchange. A federal judge issued a temporary restraining order in the case, halting enforcement of the overly broad rules.

Working closely with animal rights advocates, we also succeeded in securing Governor Haslam's veto of "ag-gag" legislation, which would have required anyone taking photos and video of livestock abuse to turn them over to law enforcement within 48 hours or face criminal charges and fines. While purporting to protect livestock, this legislation actually violated free speech rights and criminally punished those who sought to document and expose such cruelty. ACLU-TN coordinated a public education campaign on this issue and sent a letter and petition with over 33,000 signatures on it to the governor.

These latest efforts to restrict free speech are a reminder of the need for constant vigilance to protect Tennesseans' First Amendment rights, a challenge to which ACLU-TN continues to rise.

# Free Speech







# Religious Freedom

The First Amendment prohibits government from encouraging or promoting religion in any way, and ensures that all Tennesseans can choose whether and how to practice religion.

ACLU-TN launched a series of “Know Your Rights” workshops for Muslim communities in Jackson, Memphis, Nashville, Chattanooga, Knoxville and Murfreesboro. The workshops took place in mosques, schools and community centers, and focused on the religious freedom rights of the Muslim community in public schools and in the workplace.

ACLU-TN has long defended both Tennesseans’ right to worship, or not, as they choose and their right to be free from government proselytization. We are frequently contacted by families concerned about religious activities sponsored by their children’s public schools. This year, ACLU-TN intervened on behalf of families in Cumberland and Fayette counties whose children felt pressured to take Bibles distributed during the school day for fear of ostracism. In Marshall and Polk counties, we intervened on behalf of families who were told that if they did not want their children to pray with school staff, the children could sit out in the hallway. And we stepped in to assist the parents of a Shelby County kindergartener in stopping their child’s teacher from leading students in daily prayer—which she continued to do after being directed by the principal to stop, reportedly instructing her class of five-year-olds to whisper the prayer so that others would not hear them.

Protecting religious freedom also means ensuring that students are able to participate in religious activities that they initiate. When one Cannon County family’s elementary-school-aged son was prohibited from reading the Bible during a free-reading period at his after-school program, they too turned to ACLU-TN to protect his religious freedom. We succeeded in protecting the boy’s constitutional right to read religious texts of his own volition during free-reading periods. The program also agreed to train its employees on their obligation to safeguard their students’ religious liberty without imposing religion on them.

Tennessee legislators also seem to struggle with understanding the First Amendment’s religious freedom protections. This year we lobbied against the so-called “Religious Viewpoints Antidiscrimination Act.” While purporting to protect students’ expression of religious viewpoints, this legislation crossed the line into potentially creating systematic imposition of some students’ personal religious viewpoints on others. Unfortunately, the measure passed and we are now monitoring this law’s impact.

ACLU-TN will remain vigilant to ensure that all Tennesseans can decide whether and how to practice religion for themselves, free from government interference.



# Voting Rights

After voting in every election for more than sixty years, 84-year-old Ruthelle Frank was denied the right to vote by the state of Wisconsin in 2011 because she did not have a voter identification card.

Though she was a long-time elected member of her town board and an eligible voter, Ruthelle had been born at home and had never had a birth certificate, nor a driver's license.

To get a voter ID, Ruthelle would have had to pay combined legal and state fees of about \$200 to fix the problem. She refused, condemning the requirement as a poll tax setting civil rights in this country back decades. She also became the lead plaintiff in ACLU's landmark federal lawsuit challenging Wisconsin's photo ID law. ACLU has filed a petition asking the U.S. Supreme Court to review this case, in our effort to do away with voter ID laws nationwide.

Voter ID laws, like Wisconsin's and Tennessee's, create barriers to the ballot box for many Americans who lack not only photo IDs, but access to the documents or resources needed to acquire one. Research shows that **over 21 million Americans lack the IDs required to vote. These laws disproportionately burden rural residents, minorities, seniors, students, and limited-income and disabled people.**

ACLU-TN continues to seek plaintiffs to challenge the Tennessee law.

In Tennessee, we confronted barriers to the ballot box by empowering voters with "Know Your Rights" materials and helping people with felony convictions restore their right to vote. Nationwide, ACLU successfully challenged voter identification laws in Arkansas and Pennsylvania.

In the coming year, ACLU will continue to litigate Ruthelle's case, as well as cases in North Carolina and Ohio, challenging restrictions meant to suppress the vote. **ACLU-TN remains committed to ensuring Tennesseans' access to the ballot box—the most fundamental right in our democracy.**







# Youth Rights

The Bill of Rights does not place age requirements on the freedoms it guarantees. From internships to public education programs, ACLU-TN's youth engagement program ensures that Tennessee's next generation of civil libertarians are empowered with an understanding of their rights and how to exercise them.

Over 400 students from Davidson, Hamilton, Rutherford, Shelby, Sumner and Williamson counties attended our "Youth in Action: Students' Rights Summit" in Memphis and our "Exploration of Life, Liberty, and the Pursuit of Happiness" students' rights conference in Nashville<sup>2</sup>.

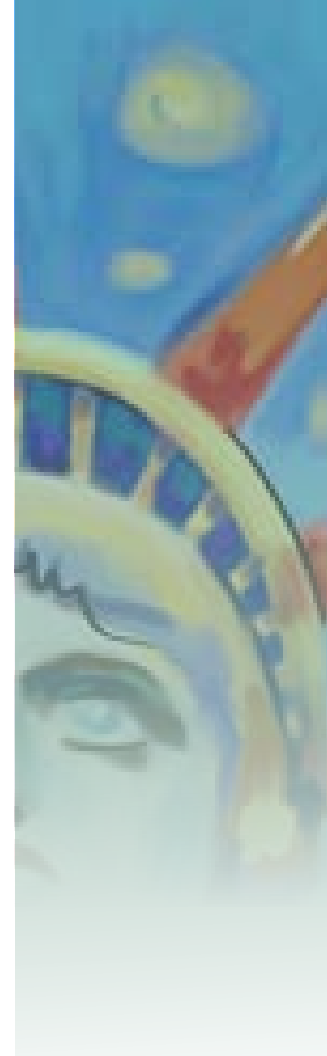
These conferences were designed to help students understand the United States and Tennessee constitutions and their rights and responsibilities as engaged members of the community. Participants chose from interactive workshops outlining students' rights in areas such as the school-to-prison pipeline, privacy, freedom of religion, free speech and expression, juvenile justice, freedom of the press, bullying, youth activism, LGBT equality, and interactions with law enforcement. Students also had the chance to network with peers, learning from experts and from each other how to create change both in and out of school.

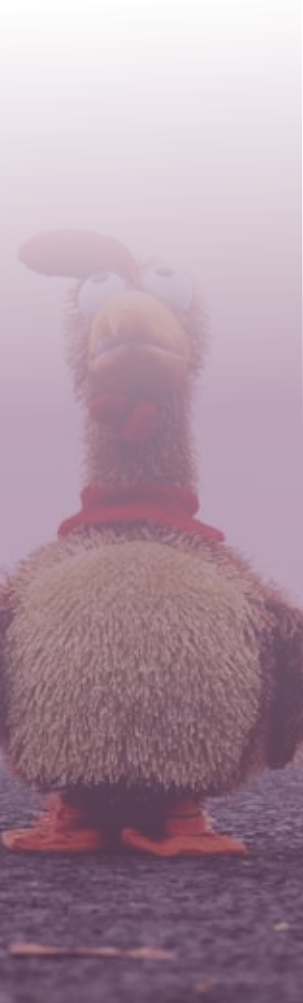
We also launched "Constitution Day, Brought To You By The ACLU," in collaboration with our national office, to educate young people about the contents and contemporary relevance of the United States Constitution. This program offered a teaching guide exploring real-life contemporary constitutional dilemmas, constitutional games and trivia, a "Wall of Rights" mural contest, celebrity sponsors, and a dynamic website for students and teachers. ACLU-TN reached out to hundreds of middle school social studies teachers across Tennessee, as well as numerous educational associations, to share these exciting resources.

ACLU-TN is always inspired by the young people we encounter, from our interns to our plaintiffs to conference participants. We know we are in good hands with the next generation of civil libertarians.

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<sup>2</sup>This event was partially funded by a grant from the Marguerite Miller Trost Memorial Fund for the Advancement of the Teaching of American History of The Community Foundation of Middle Tennessee.





Unfortunately, Tennessee politicians are often fodder for late night political comedy shows due to the unconstitutional, discriminatory or just plain nonsensical bills they propose.

On the first day of the 2014 legislative session, ACLU-TN launched “Countdown to Colbert,” a satirical campaign designed to raise awareness about pending legislation in Tennessee that violated civil liberties and civil rights, and to engage Tennesseans in taking a stand against the kind of bills that land us on political comedy shows.

A key feature of this campaign was the “Countdown to Colbert” website. As anti-civil liberties bills were filed throughout the session, the site was updated with information on the legislation and on actions that Tennesseans could take to express their opinions to legislators. The campaign also tracked how many days Tennessee went without a mention on political comedy shows.

The campaign was a success, generating positive feedback from across the country. In fact, it was almost impossible for it not to be successful with such rich material to work with, including:

- A “Merry Christmas Bill” wrongly implying that educators need legal cover from us pesky First Amendment defenders who refuse to let anyone say “Merry Christmas.” Merry Christmas, legislators. We say it too and—look!—the sky didn’t fall. We actually love Christmas—we just love religious freedom too.
- Legislation ensuring curriculum standards for social studies and science reflect NOT the latest research, NOT proven, well-established facts, but rather “the values of this state.” We’re sure by “values” they mean liberty, equality, fair treatment and justice for all, right?
- Legislation encouraging religious coercion in public schools, allowing pre-selected students to grab the microphone and express religious beliefs during school events—yet ANOTHER reason for students to wish they were anywhere else during a pep rally for the JV football team.
- A resolution encouraging conservative TV host Sean Hannity to move to Tennessee, listing reasons why he’d appreciate Tennessee’s values more than those of the state of New York, as well as highlighting our state’s glowing outdoor recreational attractions. And it PASSED.

“...WE’VE GOT FATHER, SON  
AND HOLY SPIRIT, HOW ABOUT YOU?!”



Countdown to Colbert





FY 2014  
at a  
glance



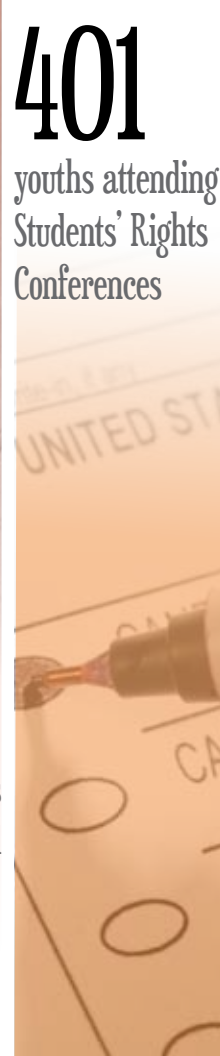
10,850  
action alert  
subscribers



14  
demand letters  
sent



89  
new investigations  
opened



401  
youths attending  
Students' Rights  
Conferences



23  
press releases  
sent



29  
speaking  
engagements



15  
events held



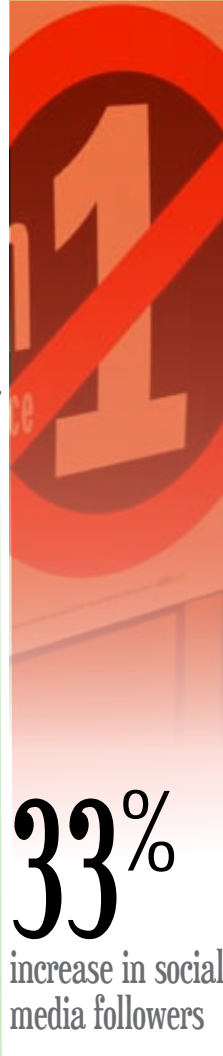
214,291  
unique visitors  
to website




1,924  
intake requests  
processed



26  
cooperating  
attorneys



33%  
increase in social  
media followers



60+  
bills  
lobbied



## Media Outlets

that covered ACLU-TN:

The Tennessean, The Commercial Appeal, Knoxville News Sentinel, Chattanooga Times Free Press, AP, CBS News, MSNBC, ABC News, CNN, New York Times, NPR, USA Today, Wall Street Journal, Washington Post, Fox News, San Francisco Chronicle, Los Angeles Times, Seattle Post-Intelligencer, Houston Chronicle, Smithsonian Magazine, Huffington Post, ThinkProgress, New Republic, Politico, Talking Points Memo, Wonkette, LGBTQ Nation, Vancouver Sun, Daily Scotsman (UK), Terra Fermina (France), Deutsch-Tuerkische Nachrichten (Germany), Christian Post (Portugal).

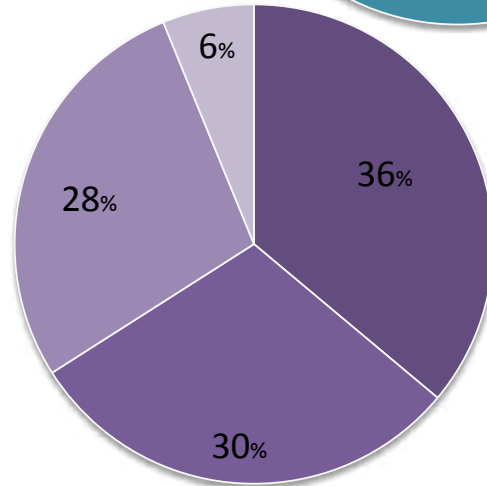
# Financials

ACLU-TN is a vibrant and influential organization because of its creative and multifaceted strategies to protect freedom, made possible by the generous support of its donors and members. Substantial financial resources are essential to pursuing our work. ACLU receives no government funding and never charges for its services. We rely entirely on individual tax-deductible gifts, membership dues, grants, bequests, and periodic court-awarded attorneys' fees.

ACLU-TN is a private, non-partisan, non-profit membership organization headquartered in Nashville and serving Tennesseans across the state. We are an affiliate of the national ACLU, but are independently directed by a statewide board.

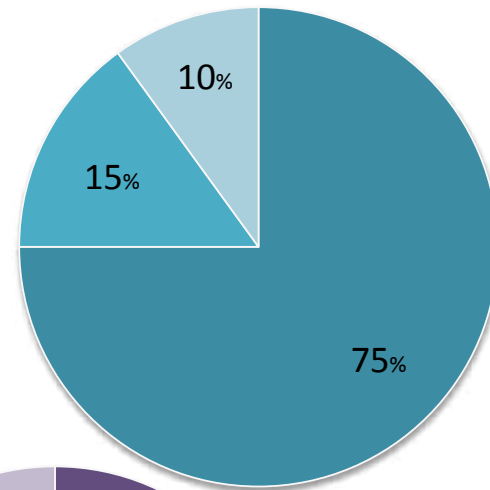
ACLU-TN is composed of the ACLU Foundation of Tennessee, a 501(c)3 tax-deductible organization that conducts our legal, advocacy and education activities; and the ACLU of Tennessee Affiliate, a 501(c)4 organization that conducts membership outreach and legislative lobbying. Gifts to the Foundation are tax-deductible.

NOTE: Combined audited financials are for both the ACLU Foundation of Tennessee and the ACLU of Tennessee Affiliate.



## Income

- Shared Revenue
- Contributions
- Grants
- Other Income



## Expenses

- Total Program Services
- Management and General
- Development

# Giving to the ACLU Foundation of Tennessee

The ACLU Foundation of Tennessee welcomes both Annual Campaign contributions as well as Planned Gifts.

Gifts to our Annual Campaign provide for current needs and may be made year-round by cash, credit card or check. Gifts may be made via mail or online at our website, [www.aclu-tn.org](http://www.aclu-tn.org). ACLU-TN also accepts gifts of stock, securities or mutual fund shares; please call our Development office to obtain transfer information.

Planned gifts, such as bequests, help sustain the ACLU for generations to come. In addition to designating the ACLU as a beneficiary in a will or revocable living trust, donors may also designate the ACLU or ACLU Foundation as a beneficiary of a life insurance policy, IRA or pension.

For more information about giving opportunities, please contact Development Director Elizabeth (Liz) Musselman at 615-320-7142 x308.



"So keep fightin' for freedom and justice, beloveds, but don't forget to have fun doin' it...

Be outrageous, ridicule the 'fraidy cats, rejoice in all the oddities that freedom can produce.

And when you get through kickin' ass and celebratin' the sheer joy of a good fight,

be sure to tell those who come after how much fun it was." - Molly Ivins



American Civil Liberties Union of Tennessee

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[www.aclu-tn.org](http://www.aclu-tn.org)